



UNITED STATES | ENGLAND | GERMANY | CHINA

DARA D. MANN  
dmann@faegre.com  
(612) 766-7089

ATLANTA OFFICE: 678-627-8190

June 29, 2007

Richard T. Garren  
Riggs, Abney, Neal, Turpen, Orbison & Lewis  
502 West Sixth Street  
Tulsa, OK 74119

**EMAIL / ORIGINAL AND  
ENCLOSURES VIA  
FEDEX OVERNIGHT**

Re: *State of Oklahoma v. Tyson, et al.*

Dear Rick:

Enclosed please find one CD containing our 7<sup>th</sup> production of documents (CARTP095365-CARTP123573) representing the Cargill Defendants' production of ESI as outlined in my June 26, 2007 letter to Trevor Hammons.<sup>1</sup> Also enclosed are confidentiality and redaction logs for this production. Further provided with this letter is a second CD containing an Excel spreadsheet with source information for each document and an identification of the document request(s) the Cargill Defendants believe each document to correspond based upon a preliminary review.

We will forward the Cargill Defendants' privilege log associated with this production on Monday, July 2nd. Please do not hesitate to contact me should you have any questions regarding this production.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. Mann", written over a light, textured background.

Dara D. Mann

EXHIBIT

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MANDD:speqc

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<sup>1</sup> Given the July 2<sup>nd</sup> deadline for production of ESI, this production is temporally limited to the time period 2002 forward. Upon receipt of the Court's Order regarding the appropriate temporal scope of discovery, the Cargill Defendants will begin the process of supplementing its productions and addressing temporal redactions consistent with that Order for this ESI production as well as for all prior productions.

Richard T. Garren  
June 29, 2007  
Page 2

cc: Trevor Hammons (via email only, w/o enclosures)  
Theresa Noble Hill (w/enclosures)  
fb.us.2150266.02

**RIGGS, ABNEY, NEAL, TURPEN, ORBISON & LEWIS**

A PROFESSIONAL CORPORATION  
ATTORNEYS AND COUNSELORS AT LAW  
FRISCO BUILDING  
502 WEST SIXTH STREET  
TULSA, OKLAHOMA 74119-1010  
(918) 587-3161  
Fax (918) 587-9708

GREGORY W. ALBERTY  
REBECCA V. ANENT  
JACK R. ANDERSON  
THOMAS M. ASKEW  
RYAN J. ASSINK  
LISA K. BICKLE  
DONALD M. BINGHAM  
WILLIAM A. BOWLES  
RICHARD B. BOYLE, IV  
KELLY L. BRATCHER  
PETER W. BRODLICK  
STACIE BRYZA  
SCOTT W. BYRD  
MICHELLE M. CARTER  
JILL L. CHASE  
DERRICK D. CORNEJO  
STEPHEN L. CORTES  
MATTHEW P. CROUCH  
ROBERT P. DEAN  
OLENIA S. DORRIS  
JANET S. DUMONT  
IRA L. EDWARDS, JR.  
GEORGE M. EMERSON  
STEPHANIE A. FUNG  
RICHARD A. GANN  
BART T. GARBUIT  
RICHARD T. GARREN  
D. SHARON GENTRY  
NANCY A. GRAHAM

STEPHEN E. HALE  
MELVIN C. HALL  
SHARON E. HAMM  
ZACHERY R. HARGIS  
CHRISTOPHER S. HEROUX  
JERRI L. HILL  
HOLLY M. HILLERMAN  
ERIK S. HOUGHTON  
ROBERT E. HOWARD  
WM. GREGORY JAMES  
STEVEN JANISZEWSKI  
KUEMONY L. JONES  
SARAH G. KIBBY  
SCOTT P. KIRTLEY  
KRISTOPHER E. KOEPEL  
TERRY D. KORDELISKI, II  
G. DIANE LEE  
MICHELLE D. LEFLORE  
JOSEPH P. LENHART  
TYLER D. LEONARD  
C. S. LEWIS, III  
MARY JEAN LITTLE  
ADRIANA LOPEZ KUPPER  
LORI T. LOVO-NIEVES  
JOHN D. LUTCH  
BRENDAN J. MAGEE  
JANET G. MALLOW  
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MATT D. MATHESON

GLOYD L. MCCOY  
RAYMOND A. MELTON  
RICHARD A. MILDREN  
QUSAIR MOHAMEDBHAI  
J. LYON MOREHEAD  
JANICE LOGAN MORROW  
ROBERT A. NANCE  
GARY L. NEAL  
MARK L. NELMS  
MARGARET A. NUNNERY  
SHAWN C. OBUCKLEY  
JAMES C. ORBISON  
NICOLE J. PETTY  
WHITNEY D. PETTY  
JAMES R. POLAN  
RICHARD P. POORMON  
DAVID L. PRICE  
VICTORIA L. RACKLEY  
FRED RAHAL, JR.  
LISA R. RIGGS  
M. DAVID RIGGS  
STEPHEN B. RILEY  
RANDALL A. RINQUEST  
MARY J. ROUHDS  
GABRIELA N. SANDOVAL  
WILLIAM C. SEARCY  
KRISTEN E. SHILLINGTON  
DAVID A. SIMMENTAL  
ROBERT P. SKEITH

KENNETH M. SMITH  
SCOTT D. SMITH  
BETTY J. SOMMARS  
BEVERLY A. STEWART  
CHRISTOPHER B. SWANSON  
STEPHANIE L. THEBAN  
DAVID H. THOMAS  
HARLEY W. THOMAS  
REX W. THOMPSON  
SONJA M. TREI  
MICHAEL C. TURPEN  
LINDA VAN ARKEL-GREUBEL  
KAREN CARLEN WALSH  
SHARON K. WEAVER  
JOSEPH R. WELLS  
BRIAN S. WILKERSON  
DOUGLAS A. WILSON  
JERRY L. WITT  
MICHAEL P. WOMACK  
COURTNEY M. WOLIN  
GARY W. WOOD  
TRACY S. ZAHL

Of Counsel  
Benjamin P. Abney  
E. Bryan Henson  
Peter J. Regan

July 2, 2007

To all Counsel:  
Via E-mail

Re: State of Oklahoma v. Tyson Foods, et.al  
Case Number: 05-CV-325 GKF (SAJ)

EXHIBIT

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Dear Counsel:

The State is providing the following for your copying and inspection. The State will provide you access to these databases and will have technical personnel on hand to help with your search. The State's production of July 2, 2007 contains the following:

1. **Oklahoma Secretary of the Environment**  
Electronic Files and Reports (Reports, drafts, spreadsheets and PDF documents)
2. **Oklahoma Department of Agriculture, Food and Forestry**  
(Grower, Complaints and Applicator Microsoft Access Databases)
3. **Oklahoma Conservation Commission**  
GIS file (standard ARC viewer)
4. **Oklahoma Scenic Rivers**  
Electronic Files, Reports and E-Mails (those E-mails identified and reviewed for privilege and responsiveness to date)
5. **Oklahoma Department of Environmental Quality**  
Aquarius Database, Bacti Database, FishCom Database, Pesticide-Metals Database, ArkOK P Loading Excel spreadsheets. See attached instructions for accessing the Aquarius and Bacti databases.
6. **Oklahoma Water Resources Board**  
Electronic Files and Reports
7. A list of all publicly available information on State websites and the ESI contained thereon.

July 2, 2007  
Page 2

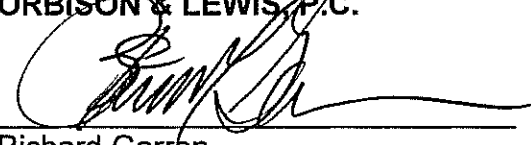
Due to concerns regarding the accessibility of the databases for OWRB (ORACLE) and OCC (SQL 7), those will be made available for your inspection at the respective agencies at a mutually agreeable time. Further attached to this letter are the addresses for publicly available information upon which the Plaintiffs will rely or which are responsive to the production requests by the Poultry Integrator Defendants.

The other ESI production will be produced through RLS in Tulsa. The individual Poultry Integrator Defendants can make arrangements with RLS to provide as many copies of the State's ESI production as desired. Hard drives, some of which were too small for this production will be sent to RLS so that they are available to you. The contact information for RLS is (918) 583-3353. Should you have any difficulties with this arrangement please contact Louis Bullock or Richard Garren.

If for any reason you cannot access any file or run any databases the State is more than willing to work with you in order so that you may properly access these databases. The State is continuing to identify and review for privilege and responsiveness ESI at these agencies and the remaining agencies. The State will supplement its production as documents are identified and reviewed.

Yours very truly,

**RIGGS, ABNEY, NEAL, TURPEN,  
ORBISON & LEWIS, P.C.**

  
Richard Garren

**RHODES, HIERONYMUS, JONES, TUCKER & GABLE, P.L.L.C.  
LAWYERS**

ONEOK Plaza  
100 West 5<sup>th</sup> Street, Suite 400  
Tulsa, Oklahoma 74103-4287  
Telephone (918) 582-1173  
Fax (918) 592-3390  
[www.rhodesokla.com](http://www.rhodesokla.com)

**Mailing Address**  
P.O. Box 21100  
Tulsa, Oklahoma 74121-1100

Chris L. Rhodes, III  
Bert M. Jones  
John H. Tucker  
Jo Anne Dealon  
Dan S. Foltuo  
Ann E. Allison  
Andrew D. Downing  
Bradley A. Jackson  
Colin H. Tucker

Kerry R. Lewis  
Leslie J. Southerland  
Nathan E. Clark  
Theresa Noble Hill  
Carlye O. Jimerson  
Bradley S. Shelts  
Lindsay J. McDowell  
Denelda L. Richardson  
Maria E. Cervantes

Hal Crouch (1902-1947)  
Chris L. Rhodes (1902-1966)  
E. D. Hieronymus (1908-1994)  
George W. Gable (1918-2000)

— Est. 1931 —

Daniel D. Draper, III  
James D. Johnson  
*Of Counsel*

**RhodesHieronymus**  
O K L A H O M A

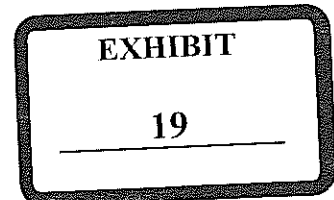
Reply to: Theresa Noble Hill  
[thill@rhodesokla.com](mailto:thill@rhodesokla.com)

July 12, 2007

Richard T. Garren  
Riggs Abney Neal Turpen Orbison & Lewis, Inc.  
502 W. 6th Street  
Tulsa, OK 74101

*Via Email and Mail*

J. Trevor Hammons  
State of Oklahoma  
Assistant Attorney General  
313 NE 21<sup>st</sup> Street  
Oklahoma City, OK 73105



Re: *State of Oklahoma v. Tyson, et al.*

Dear Trevor and Rick:

I am writing on behalf of all of the defense ESI liaisons to request a prompt meet and confer with the State to discuss: ESI that the State provided to RLS on July 3, 2007; ESI that the State advises it will make available for inspection at a mutually agreeable time; and ESI that the State did not provide on July 2, 2007. Other Defendants may also be writing separately to address their individual concerns.

Please be prepared to address the following specific issues and questions:

- 1) **Has the State completed its document production for OSRC, ODEQ, OWRC, OSE, and OKCC?**

We understand that your privilege review is continuing and additional ESI from the above-referenced agencies will be made available. See E-mail from Richard Garren to Theresa Hill dated July 3, 2007, "More is being privileged reviewed and will be provided as it is available."

Richard T. Garren  
J. Trevor Hammons  
July 12, 2007  
Page 2

On April 27, 2007, all Parties represented to Judge Joyner that they would make their ESI production no later than July 2, 2007. On June 21, 2007, the State advised that it would make an ESI production for OSRC, ODEQ, OWRB, OSE, and OKCC only. We did not agree to this unilateral limitation of the ESI production, but nonetheless Judge Joyner allowed the State another 30 days to complete its ESI production at the remaining agencies at the June 28, 2007. At the June 28, 2007 hearing, there was no discussion of further limiting the ESI production from the initial five agencies on July 2, 2007. Please be prepared to address what has been provided to RLS from the five agencies, what has not been provided to RLS and a timetable for the production of the remaining responsive ESI from these agencies.

**2) Will the State provide the Defendants with the information necessary to identify the ESI responsive to each Defendants discovery requests?**

**a) Native Format**

The Defendants did not request that the State provide their production in native format. Instead, we asked the State to provide its ESI in a reasonably useable form. During our June 22, 2007 teleconference, several of the Defendants expressed their concerns about determining what is responsive to each Defendants' specific requests in light of the State's proposed method of production. We were assured that the precise information, queries and technical support necessary to identify ESI specifically responsive to a specific Defendants' requests would be provided. It appears that the State is retracting from the assurances made on June 22, 2007. Will the State provide queries or other information necessary to identify ESI responsive to specific Defendants' requests?

**b) ODEQ and ODAFF Databases**

While the State provided access to these databases through RLS, the State has made no attempt to provide any information to the Defendants on how to access ESI responsive to their specific requests from these databases. Additionally, if the State intends to rely upon any information contained in these databases, it has not identified such information pursuant to FED.R.CIV.P, Rule 26(a)(1).

**c) OWRB and OKCC Databases**

The Defendants object to the State's eleventh hour disclosure that these databases will be made available at a "mutually agreeable time and place." We continue to request that the State provide the specific information from these databases that it intends to rely upon or that is responsive to the specific discovery request of a Defendant. The review of hard-documents at the agencies commenced in November, 2006 and still is not complete. We cannot agree to extend the ESI production to some unknown date in the future.

Richard T. Garren  
J. Trevor Hammons  
July 12, 2007  
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**d) Publicly Available Information**

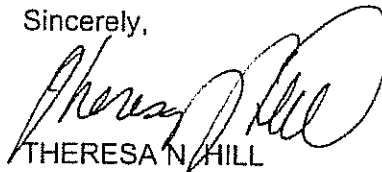
We are reviewing the list of publicly-available information. From our initial review, it is clear that the State has not identified what is responsive to the Defendants' discovery requests and what it intends to rely upon. Furthermore, there is a tremendous amount of information that is not related to the IRW. Please be prepared to discuss identifying information responsive to the Defendants' requests, what the State intends to rely upon and information specific to the IRW.

**3) Will the State incur the costs for copying the State's files onto the hard-drives provided by Defendants?**

The Defendants advise that they object to the State's unilateral decision to send their ESI and the Defendants' hard-drives to RLS and advise Defendants of this decision on July 2, 2007, the deadline for producing ESI, after 5:00 p.m. The State first advised that some of the hard-drives were not large enough for the State's ESI. However, every hard-drive provided was larger than the 80 GB of ESI provided to RLS. We are still curious why the State failed to make their production on July 2, 2007 on the hard-drives provided. The State has not responded to our inquiry whether it will incur the costs for copying the ESI to the hard-drives provided.

We look forward to a prompt meeting with you to address these initial issues. We are anxious to move forward and obtain the State's complete ESI production. Further delays will continue to impact the Defendants' ability to prepare their defense in this case in accordance with the Scheduling Order.

Sincerely,



THERESA N. HILL

TNH:law  
cc: ESI defense liaisons

State ESI production

Page 1 of 4

## Theresa Noble Hill

**From:** Richard Garren [RGarren@riggsabney.com]  
**Sent:** Tuesday, July 03, 2007 5:09 PM  
**To:** Theresa Noble Hill  
**Cc:** Bob Nance; dpage@edbelllaw.com; David Riggs; Doug Wilson; Elizabeth Claire Xidis; Elizabeth Ward; Fred Baker; Jean Burnett; Julie Zielinski; Kelly Burch ; Lee Heath; Louis Bullock; Melissa Carr; Randall Miller; Richard Garren; Sharon Gentry; Sharon Weaver; Tina Izadi; Trevor Hammons  
**Subject:** RE: State ESI production

Theresa,

1. Yes
2. N/A More is being privileged reviewed and will be provided as it is available.
3. See 2.
4. As stated previously, under rule 34(b)(ii) the State's ESI is being produced in a form or forms in which it is ordinarily maintained or in a form or forms that are reasonably useable.
5. At this time, additional privilege review is occurring for more to be produced.
6. My letter did not say that. A list of publicly available data bases was omitted but provided in subsequent email. Instruction relating to accessibility of DEQ's databases will be furnished.

Rick

**From:** Theresa Noble Hill [mailto:THill@rhodesokla.com]  
**Sent:** Tuesday, July 03, 2007 3:15 PM  
**To:** Richard Garren; Scott McDaniel; Bruce Freeman; Bruce Jones; Dara Mann; David Senger; Delmar Ehrich; Gary V. Weeks; George Owens; James Graves; Jay Jorgensen; Jennifer Griffin; John Elrod; John Tucker; Krisann C. Kleibacker Lee; Lawrence Zeringue; Lori A. White; Michael Bond; Nicole Longwell; P. Joshua Wisley; Paula Buchwald; Philip Hixon; Randall Rose; Richard Funk; Robert George; Robert Redemann; Robert Sanders; Sherry P. Bartley; Vicki Bronson  
**Cc:** Bob Nance; dpage@edbelllaw.com; David Riggs; Doug Wilson; Elizabeth Claire Xidis; Elizabeth Ward; Fred Baker; Jean Burnett; Julie Zielinski; Kelly Burch ; Lee Heath; Louis Bullock; Melissa Carr; Randall Miller; Sharon Gentry; Sharon Weaver; Tina Izadi; Trevor Hammons; Jinger Waller; Colin H. Tucker; Lori A. White; Candy J. Smith  
**Subject:** RE: State ESI production

Rick,

We share Scott's concerns and questions. In addition to his initial questions, can you please provide us with clarification of your July 2, 2007 letter as follows:

- 1) Has the ESI at the various agencies generally described on Page 1 of your letter been provided to RLS?
- 2) If not, what has been provided to RLS?
- 3) If not, what is your proposal with respect to obtaining this ESI from the agencies described on Page 1 of your letter?
- 4) Are the queries to obtain ESI specific to Cargill's discovery contained in the production at RLS?
- 5) Is OSRC the only agency from which e-mails are being produced?

7/12/2007



State ESI production

Page 2 of 4

- 6) Where are the instructions for accessing ODEQ's Aquarius and Bacti databases that you indicate are attached to the letter?

We have many more questions and concerns, but initially please help us understand what the State has done and what it is proposing.

Theresa

-----Original Message-----

**From:** Richard Garren [mailto:RGarren@riggsabney.com]

**Sent:** Tuesday, July 03, 2007 1:32 PM

**To:** Scott McDaniel; Bruce Freeman; Bruce Jones; Chris A. Tucker; Dara Mann; David Senger; Delmar Ehrich; Gary V. Weeks; George Owens; James Graves; Jay Jorgensen; Jennifer Griffin; John Elrod; John Tucker; Krisann C. Kleibacker Lee; Lawrence Zeringue; Lori A. White; Mark Hopson; Michael Bond; Nicole Longwell; P. Joshua Wisley; Paula Buchwald; Philip Hixon; Randall Rose; Raymond Lay; Richard Funk; Robert George; Robert Redemann; Robert Sanders; Sherry P. Bartley; Stephen Jantzen; Steve Williams; Terry West; Theresa Noble Hill; Thomas Green; Timothy Webster; Vicki Bronson

**Cc:** Bob Nance; dpage@edbelllaw.com; David Riggs; Doug Wilson; Elizabeth Claire Xidis; Elizabeth Ward; Fred Baker; Jean Burnett; Julie Zielinski; Kelly Burch ; Lee Heath; Louis Bullock; Melissa Carr; Randall Miller; Sharon Gentry; Sharon Weaver; Tina Izadi; Trevor Hammons; Jinger Waller

**Subject:** RE: State ESI production

Scott,

The initial production by the State appears to be around 80 GB. Each of the defendant hard drives are being delivered with the States hard drive to RLS. I have a meeting this afternoon with representatives of RLS to identify the hard drives and the firms for each defendant that will likely be contacting them to arrange for the inspection of the State's data which is being produced in a form or forms in which it is ordinarily maintained or in a form or forms that are reasonably usable.

Each defendant can decide itself what if any material produced by the State it wishes to transfer to its respective hard drive. This will allow each defendant to control its own costs relative to the amount of material it desires to transfer.

When additional material is available from the state the State's hard drive will be repopulated and each defendant will be informed of the availability of the additional data. I would anticipate a general description of the material added will be given at that time.

Arrangements by the State for RLS should be completed this afternoon.

Rick

**From:** Scott McDaniel [mailto:smcdaniel@mhla-law.com]

**Sent:** Monday, July 02, 2007 5:51 PM

**To:** Richard Garren; Bruce Freeman; Bruce Jones; Colin Tucker; Dara Mann; David Senger; Delmar Ehrich; Gary V. Weeks; George Owens; James Graves; Jay Jorgensen; Jennifer Griffin; John Elrod; John Tucker; Krisann C. Kleibacker Lee; Lawrence Zeringue; Lori A. White; Mark Hopson; Michael Bond; Nicole Longwell; P. Joshua Wisley; Paula Buchwald; Philip Hixon; Randall Rose; Raymond Lay; Richard Funk; Robert George; Robert Redemann; Robert Sanders; Sherry P. Bartley; Stephen Jantzen; Steve Williams; Terry West; Theresa Hill; Thomas Green; Timothy Webster; Vicki Bronson

**Cc:** Bob Nance; dpage@edbelllaw.com; David Riggs; Doug Wilson; Elizabeth Claire Xidis; Elizabeth Ward; Fred Baker; Jean Burnett; Julie Zielinski; Kelly Burch ; Lee Heath; Louis Bullock; Melissa Carr; Randall

7/12/2007

**RIGGS, ABNEY, NEAL, TURPEN, ORBISON & LEWIS**  
A PROFESSIONAL CORPORATION  
ATTORNEYS AND COUNSELORS AT LAW  
FRISCO BUILDING  
502 WEST SIXTH STREET  
TULSA, OKLAHOMA 74119-1010  
(918) 587-3161  
Fax (918) 587-9708

GREGORY W. ALBERTY  
REBECCA V. AMETT  
JACK R. ANDERSON  
THOMAS M. ASKEW  
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STACIE DRYZA  
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JILL L. CHASE  
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IRA L. EDWARDS, JR.  
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RICHARD T. GARREN  
D. SHARON GENTRY  
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E. HOWARD  
WAL GREGORY JAMES  
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M. DAVID RIGGS  
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MARY J. ROUNDS  
GABRIELA N. SANDOVAL  
WILLIAM C. SEARCY  
KRISTEN E. SHILLINGTON  
DAVID A. SMENTAL  
ROBERT P. SKEITH

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STEPHANIE L. TIEBAN  
DAVID H. THOMAS  
HARLEY W. THOMAS  
REX W. THOMPSON  
SONIA M. TREI  
MICHAEL C. TURPEN  
LEIDA VAN ARKEL-GREUBEL  
KAREN CARRIE WALSH  
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JOSEPH R. WELLS  
BRIAN R. WILKERSON  
DOUGLAS A. WILSON  
JERRY L. WITT  
MICHAEL P. WOMACK  
COURTNEY M. WOLFE  
GARY W. WOOD  
TRACY S. ZAHN

Of Counsel  
Benjamin P. Abney  
E. Bryen Hansen  
Peter J. Regan

August 1, 2007

August 1, 2007

To All Defense Counsel Liaisons

Via e-mail

Re: *State of Oklahoma v. Tyson Foods, et.al*, CV 05-03-0029

Dear Counsel,

The State is shipping by Fedex 6 DVD/CD's which contain the State's supplemental ESI production. The State is shipping the DVD/CD's to LuciData in accordance with Ms. Hill's request of July 27, 2007. The State's supplemental production contains the following:

1. OWRB-emails
2. ODEQ-emails
3. OSE-emails
4. ODAFF-Fertilizer, Feed, Pesticide and Nursery databases
5. OSRC-emails
6. OCC-emails (partial)
7. ODWC-emails and electronic reports, charts and photographs

EXHIBIT

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The ESI for OCC will be provided at a mutually agreeable time at OCC. Please provide dates for your review at OCC and OWRB and we will work to accommodate your schedule. The State will provide the remaining OCC emails as soon as the review has been completed. Additional emails are being reviewed from ODEQ and e-mails from OCC are being reviewed a second time. We anticipate supplementing this review with OCC and ODEQ emails by August 8, 2007. The State will also be providing relevancy logs and privilege logs by August 31, 2007.

The State, during the course of its review of the agencies' emails, has discovered that some potentially responsive emails have been deleted at ODEQ and OWRB. The State is investigating if and when these emails can be recovered and, to the extent responsive and non-

August 1, 2007  
Page 2

privileged, subsequently produced to the Defendants, as well as the circumstances of the deletions. By August 8, 2007 we will be informing the Court and Defendants the details of what we know as to what was deleted and how this came to happen. The State will also provide the Defendants with an update on whether the deleted emails can be recovered.

The State will be sending under separate cover a letter in response to Defendant's letter of July 12, 2007 and our meet and confer regarding the State's ESI production.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard T. Garren", written over a horizontal line.

Richard T. Garren  
FOR THE FIRM

RTG/jds



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

September 4, 2007

To All Defense Counsel

VIA E-Mail

**Re: State of Oklahoma v. Tyson Foods, et.al, CV-00329-GKF-SAJ,  
ESI Relevancy Logs**

Dear Counsel:

The State is continuing to review its ESI production for documents responsive to Defendants' Interrogatories previously served upon the State and will further supplement its discovery responses as documents are identified. The State has identified to date the following ESI (see attached "ESI Responsive Table") that is responsive to the various Interrogatories served upon the State. The State incorporates its original and supplemental Interrogatory objections and responses as if stated fully herein.

Sincerely,

A handwritten signature in cursive script, reading "J. Trevor Hammons".

J. Trevor Hammons  
Assistant Attorney General

EXHIBIT

21

**ESI RESPONSIVE TABLE**

September 4, 2007

DATABASE	RESPONSIVE TO:
<p>Aquarius (ODEQ)-contains sampling data for the IRW by county (Cherokee, Adair, Delaware and Sequoyah Counties)</p>	<p> Tyson Chicken Int. No.1  Tyson Chicken Int. No.2  Tyson Chicken Int. No. 5  Tyson Chicken Int. No. 6  Tyson Chicken Int. No. 7  Tyson Chicken Int. No. 8  Tyson Chicken Int. No. 9  Tyson Chicken Int. No. 10    Cobb Vantress Int. No. 1    Tyson Foods Int. No. 5  Tyson Foods Int. No. 7  Tyson Foods Int. No. 8  Tyson Foods Int. No.11    Tyson Poultry Int. No. 9  Tyson Poultry Int. No. 10    Cargill Turkey Int. No. 7  Cargill Turkey Int. No. 8  Cargill Turkey Int. No. 16    Cargill Inc. Int. No. 9  Cargill Inc. Int. No.10  Cargill Inc. Int. No. 11  Cargill Inc. Int. No. 12  Cargill Inc. Int. No. 13  Cargill Inc. Int. No. 14  Cargill Inc. Int. No. 15  Cargill Inc. Int. No. 16  Cargill Inc. Int. No. 17    Peterson Int. No. 6 </p>

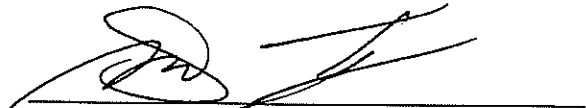
BACTI (ODEQ)-contains bacteria data for the IRW by county (Cherokee, Adair, Delaware and Sequoyah Counties)	Cobb-Vantress Int. No.1 Cobb-Vantress Int. No.2  Tyson Chicken Int. No. 4  Tyson Foods Int. No. 10  Cargill Turkey Int. No. 8 Cargill Turkey Int. No. 12 Cargill Turkey Int. No. 16  Cargill Inc. Int. No. 8 Cargill Inc. Int. No. 9 Cargill Inc. Int. No.13 Cargill Inc. Int. No. 12 Cargill Inc. Int. No. 14 Cargill Inc. Int. No 15 Cargill Inc. Int. No. 16 Cargill Inc. Int. No.17  Peterson Int. No. 6
AEMS Data (ODAFF) contains grower information	Cargill Inc. Int. No. 4 Cargill Inc. Int. No. 5 Cargill Inc. Int. No. 17  Cobb-Vantress Int. No. 5  Tyson Poultry Int. No. 2 Tyson Poultry Int. No. 5  Peterson Interrogatory No. 2 Peterson Interrogatory No.3 Peterson Interrogatory No. 11 Peterson Interrogatory No. 16 Peterson Interrogatory No. 21
Dairy Database (ODAFF) contains Dairy information	Cargill Turkey Int. No. 5 Tyson Poultry Int. No. 3
Pesticides Complaints Database (ODAFF)	Cargill Turkey Int. No. 5 Tyson Poultry Int. No. 3

Seed, Feed, Fertilizer and Nursery Permit Database (ODAFF)	Cargill Turkey Int. No. 5 Tyson Poultry Int. No. 3 Peterson Int. No. 23
Seed, Feed and Tonnage Database (ODAFF)	Cargill Turkey Int. No. 5 Tyson Poultry Int. No. 3

VERIFICATION

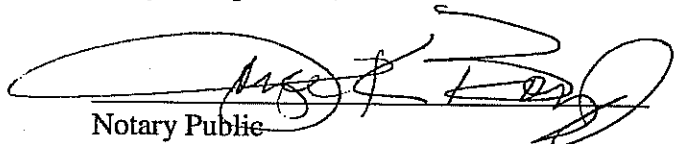
STATE OF OKLAHOMA )  
 ) ss:  
COUNTY OF OKLAHOMA )

I, Miles Tolbert, being of legal age, hereby depose and state that I have read the foregoing supplemental responses to these interrogatory and that they are true and correct, to the best of my knowledge and belief, and that I furnish such supplemental responses based on consultation with the representatives of the State of Oklahoma based on documents identified as of the date of this response.

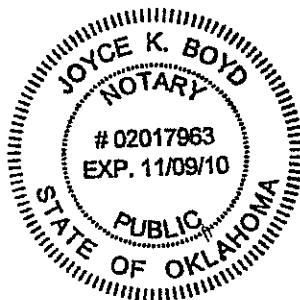


Miles Tolbert  
Secretary of the Environment  
State of Oklahoma

Signed and subscribed to before me on this 4<sup>th</sup> day of September, 2007

  
Notary Public

My Commission Expires:  
11/09/10  
My Commission Number:  
02017963





Microsoft Access - [PROJECT: Table]

File Edit View Insert Format Records Tools Window Help

Type a question for help

P. TYPE	DW COMPLIANCE
ID6CFOSS	N
ID6DFOSS	N
ID6EATOK	N
AFBREC	N
BB-DEQ	N
BB-GOV	N
BB-VOL	N
BT	N
BW	N
CASEY	N
CC-X	N
CIN	N
CN-104	N
CN105M	N
CN105W	N
CN-110	N
CN64	N
CN90	N
CN90C	N
CN-X	N
COD	N
COET-01	N
COET-02	N
COET-03	N
COET-04	N
COET-05	N
COET-06	N
COET-07	N
COET-08	N
COET-09	N
COET-10	N
COET-11	N
COET-12	N
COET-13	N
COET-14	N
COET-15	N
COET-16	N
COET-17	N
COET-18	N
COET-19	N
COET-20	N
COET-21	N
COET-22	N
COET-23	N
COET-24	N
COET-25	N
COET-26	N
COET-27	N

Records: 11 of 27

Datasheet View

EXHIBIT

22

Microsoft Access - [RESULTS Table]									
File Edit View Insert Format Record Tools Window Help									
Type a question for help									
S-ID	LAB	TEST ID	TEST	R-ID	DATE ANALYZED	CODE	RESULT		
39662	9602	1 PA/PA			06/10/2002	0		39662 Shidler	
39663	9602	1 PA/PA			06/11/2002	0		39663 Thomas MHP	
39664	9602	1 PA/PA			06/11/2002	0		39664 Altus	
39665	9602	1 PA/PA			06/11/2002	0		39665 Altus	
223019	30007	1 PA/PA			10/09/1996	0		No coliform organisms were found in this sample. Therefore, the water is con-	
300102	30007	1 PA/PA			08/06/2003	0			
300103	30007	1 PA/PA			08/06/2003	0			
300106	30007	1 PA/PA			08/06/2003	0			
300107	30007	1 PA/PA			08/06/2003	0			
16716	90010	2 EC/PA			06/30/2003	0			
44541	9602	2 EC/PA			05/14/2003	0		44541 Guthrie	
613590	30001	1 PA/PA			07/09/2003	0		ABSENT	No coliform organisms were found. The requirement is zero colic
613591	30001	1 PA/PA			07/09/2003	0		ABSENT	No coliform organisms were found. The requirement is zero colic
613592	30001	1 PA/PA			07/09/2003	0		ABSENT	No coliform organisms were found. The requirement is zero colic
613593	30001	1 PA/PA			07/09/2003	0		ABSENT	No coliform organisms were found. The requirement is zero colic
613594	30001	1 PA/PA			07/09/2003	1		PRESENT	One or more coliform organisms were found. The requirement i
617364	30001	1 PA/PA			08/14/2003	1		PRESENT	One or more coliform organisms were found. The requirement i
617365	30001	1 PA/PA			08/14/2003	0		ABSENT	No coliform organisms were found. The requirement is zero colic
617366	30001	1 PA/PA			08/14/2003	1		PRESENT	One or more coliform organisms were found. The requirement i
410444	30001	1 PA/PA			10/09/1996	0		No coliform organisms were found in this sample. Therefore, the water is con-	
6376	9603	1 PA/PA			02/24/2003	0			
6377	9603	1 PA/PA			02/24/2003	0			
6378	9603	1 PA/PA			02/24/2003	0			
6379	9603	1 PA/PA			02/24/2003	0			
44924	9602	1 PA/PA			06/11/2003	0		44924 Reintree	
44925	9602	1 PA/PA			06/11/2003	0		44925 Tonkawa	
223054	30007	1 PA/PA			10/09/1996	0		No coliform organisms were found in this sample. Therefore, the water is con-	
48325	30004	1 PA/PA			07/16/2002	0			
48325	30004	2 EC/PA			07/16/2002	0			
48325	30004	1 PA/PA			07/16/2002	0			
376	9914	1 PA/PA			09/30/2003	0			
379	9914	1 PA/PA			09/30/2003	0			
18071	30010	2 EC/PA			02/10/2003	0			
18072	30010	1 PA/PA			02/10/2003	0			
18072	30010	2 EC/PA			02/10/2003	0			
18073	30010	1 PA/PA			02/10/2003	0			
18073	30010	2 EC/PA			02/10/2003	0			
18074	30010	1 PA/PA			02/10/2003	0			
18074	30010	2 EC/PA			02/10/2003	0			
18075	30010	1 PA/PA			02/10/2003	0			
18075	30010	2 EC/PA			02/10/2003	0			
18076	30010	1 PA/PA			02/10/2003	0			
18076	30010	2 EC/PA			02/10/2003	0			
18077	30010	1 PA/PA			02/10/2003	0			
18077	30010	2 EC/PA			02/10/2003	0			
18078	30010	1 PA/PA			02/10/2003	0			
18078	30010	2 EC/PA			02/10/2003	0			
18079	30010	1 PA/PA			02/10/2003	0			

Record: 141

Database View



S-ID	LAB	P. TYPE	DATE RECEIVED	CNTY-ID	MSIS-ID	DATE COLLECTED	IS WELL	IS SPECIAL	NOT DW	NOT MSIS	COLLECTOR	
71319	30008	PWS	01/29/2003	55	1030902	01/29/2003			0	0	MH	SW
71320	30008	PWS	01/29/2003	55	1030902	01/29/2003			0	0	CH	SW
602416	30001	WV	01/31/2003	9	0	01/30/2003	0	0	0	0	HGS	122
602417	30001	WV	01/31/2003	25	0	01/30/2003	0	0	0	0	HGS	424
602418	30001	PWS	01/31/2003	75	3007506	01/30/2003	0	0	0	0	BS	LO
602419	30001	PWS	01/31/2003	76	2007630	01/30/2003	0	0	0	0	JH	GE
602420	30001	CZ	01/31/2003	37	0	01/31/2003	1	0	0	0	CJ	BA
602421	30001	CZ	01/31/2003	42	0	01/31/2003	1	0	0	0	JV	115
602422	30001	CZ	01/31/2003	55	0	01/31/2003	1	0	0	0	JV	620
17706	30010	PWS	12/10/2002	14	2001413	12/10/2002			0	0	MP	AD
17707	30010	PWS	12/10/2002	14	2001413	12/10/2002			0	0	MP	CO
17708	30010	PWS	12/10/2002	14	2001413	12/10/2002			0	0	MP	CA
17709	30010	PWS	12/10/2002	14	2001413	12/10/2002			0	0	MP	RIC
17790	30010	PWS	12/10/2002	14	2001413	12/10/2002			0	0	MP	FEI
17791	30010	PWS	12/10/2002	14	2001413	12/10/2002			0	0	MP	EV
17792	30010	PWS	12/10/2002	14	2001413	12/10/2002			0	0	MP	BUI
17793	30010	PWS	12/10/2002	14	2001413	12/10/2002			0	0	MP	OC
70961	30008	PWS	12/17/2002	55	1020902	12/17/2002			0	0	CH	NA
70962	30008	PWS	12/17/2002	55	1020902	12/17/2002			0	0	CH	NA
70963	30008	PWS	12/17/2002	55	1020902	12/17/2002			0	0	CH	NA
70964	30008	PWS	12/17/2002	55	1020902	12/17/2002			0	0	CH	NA
70965	30008	PWS	12/17/2002	55	1020902	12/17/2002			0	0	CH	NA
602665	30001	PWS	02/04/2003	14	2001412	02/04/2003	0	0	0	0		134
602666	30001	PWS	02/04/2003	14	2001412	02/04/2003	0	0	0	0		361
602667	30001	PWS	02/04/2003	14	2001412	02/04/2003	0	0	0	0		142
17794	30010	PWS	12/10/2002	14	2001413	12/10/2002			0	0	MP	YM
602423	30001	PWS	01/31/2003	34	1011201	01/31/2003	0	0	0	0	LL	ER
1355	9604	PWS	01/21/2003	15	3001601	01/21/2003			0	0	DL	BLI
1356	9604	PWS	01/21/2003	15	3001601	01/21/2003			0	0	DL	BLI
1357	9604	PWS	01/21/2003	15	3001601	01/21/2003			0	0	DL	BLI
1358	9604	PWS	01/22/2003	15	3001601	01/22/2003			0	0	DL	RR
1359	9604	PWS	01/23/2003	15	3001601	01/23/2003			1	0	DL	RR
1360	9604	PWS	01/27/2003	15	3001601	01/27/2003			0	0	DL	BLI
582615	30001	PWS	05/13/2002	63	1020904	05/13/2002	0	0	0	0	DR	B01
610523	30001	PWS	06/02/2003	0	2000805	06/02/2003	0	0	0	0	GWT	RO
610524	30001	PWS	06/02/2003	63	2006309	06/02/2003	0	0	0	0	KIR	RO
610525	30001	PWS	06/02/2003	25	3002607	06/02/2003	0	0	0	0	CH	
581059	30001	PWS	04/22/2002	37	3003703	04/22/2002	0	0	0	0	CJ	UP
585344	30001	PWS	06/13/2002	48	2004816	06/12/2002	0	0	0	0	CC	SIT
585345	30001	PWS	06/13/2002	48	2004816	06/12/2002	0	0	0	0	CC	SIT
585346	30001	PWS	06/13/2002	48	2004816	06/12/2002	0	0	0	0	CC	SIT
585347	30001	PWS	06/13/2002	32	1020903	06/12/2002	0	0	0	0	MT	CA
411350	30001	PWS	11/05/1996	14	2001413	11/05/1996	0	0	0	0	PETROSS	100
411351	30001	PWS	11/05/1996	14	2001413	11/05/1996	0	0	0	0	PETROSS	100
72224	30008	PWS	04/28/2003	55	1020902	04/28/2003			0	0	MW	450
72225	30008	PWS	04/28/2003	55	1020902	04/28/2003			0	0	MW	N 1
72226	30008	PWS	04/28/2003	55	1020902	04/28/2003			0	0	MW	N 9
72227	30008	PWS	04/28/2003	55	1020902	04/28/2003			0	0	MW	NV

Record: 14

6 3117 0 127015

DataSheet View



Microsoft Access - [SAMP: Table]						
Type a question for help						
COLLECTED AT	CHLORINE	RPT NAME	RPT ADDR	RPT CITY	RPT ZIP	OWNER
SW 23 & Agnew	3.6	OKLAHOMA CITY HEFNER	420 W. Main, Suite 500	OKLAHOMA CITY	73102	CROSSWHITE, MINDY
SW 29 & Western	3.9	OKLAHOMA CITY HEFNER	420 W. Main, Suite 500	OKLAHOMA CITY	73102	CROSSWHITE, MINDY
1221 S ROCKISLAND ELRENO		PURE WATER OPERATING INC	7301 NW 112TH STREET	OKLAHOMA CITY	73162	
424 W GRAND CHICKASHA		PURE WATER OPERATING INC	7301 NW 112TH STREET	OKLAHOMA CITY	73162	
LOT 33	0.5	GOLDEN WEST MHP	PO BOX 1263	CLINTON	73601	GOLDEN WEST MHP
GENERIC SAMP POINT		PLAINVIEW CAFE	RR 1	FREEDOM	73042	PLAINVIEW CAFE
BATHROOM SINK		ERIC ELIJOTT	RR 1 BOX 726	CASHION	73016	
11621 WOLF CREEK		BRAD REESERKELLER WILLIAMS	10 E CAMPBELL	EDMOND	73034	
6200 RIVER OAKS		JOHN VAUGHT	BOX 3121	EDMOND	73063	
ADAMS HALL	0	OKLAHOMA UNIVERSITY	160 Felgar	NORMAN	73019	PETROSS, MIKE
COULD HALL	0	OKLAHOMA UNIVERSITY	160 Felgar	NORMAN	73019	PETROSS, MIKE
CATE CAFETERIA	0	OKLAHOMA UNIVERSITY	160 Felgar	NORMAN	73019	PETROSS, MIKE
RICHARDSON HALL	0	OKLAHOMA UNIVERSITY	160 Felgar	NORMAN	73019	PETROSS, MIKE
FELGAR HALL	0	OKLAHOMA UNIVERSITY	160 Felgar	NORMAN	73019	PETROSS, MIKE
EVANS HALL	0	OKLAHOMA UNIVERSITY	160 Felgar	NORMAN	73019	PETROSS, MIKE
BURTON HALL	0	OKLAHOMA UNIVERSITY	160 Felgar	NORMAN	73019	PETROSS, MIKE
OCCE FORUM BUILDING	0	OKLAHOMA UNIVERSITY	160 Felgar	NORMAN	73019	PETROSS, MIKE
NW 10 & Western	3.7	OKLAHOMA CITY HEFNER	420 W. Main, Suite 500	OKLAHOMA CITY	73102	CROSSWHITE, MINDY
NW 10 & Villa	3.8	OKLAHOMA CITY HEFNER	420 W. Main, Suite 500	OKLAHOMA CITY	73102	CROSSWHITE, MINDY
NW 5 & Portland	3.4	OKLAHOMA CITY HEFNER	420 W. Main, Suite 500	OKLAHOMA CITY	73102	CROSSWHITE, MINDY
NW 10 & Mac Arthur	3.4	OKLAHOMA CITY HEFNER	420 W. Main, Suite 500	OKLAHOMA CITY	73102	CROSSWHITE, MINDY
NW 10 & Council	3.4	OKLAHOMA CITY HEFNER	420 W. Main, Suite 500	OKLAHOMA CITY	73102	CROSSWHITE, MINDY
1341 WHITE OAK	0.2	MOORE	4000 S. SERVICE RD	MOORE	73160	MOORE
313 COUNTRY CLUB	0.2	MOORE	4000 S. SERVICE RD	MOORE	73160	MOORE
1421 E MAIN	0.2	MOORE	4000 S. SERVICE RD	MOORE	73160	MOORE
YMCA ON NORTH CAMPUS	0	OKLAHOMA UNIVERSITY	160 Felgar	NORMAN	73019	PETROSS, MIKE
ERWIN NUNLEY	2	WAURIKA PUBLIC WORKS AUTHORITY	122 S. MAIN	WAURIKA	73673	WAURIKA PUBLIC WORKS AUTH
BLDG 4907	1	FORT SILL HQUASAFACS	ATTENTION:ATZR-BP (W SASSER)	FORT SILL	73503-5100	FORT SILL, HQUASAFACS
BLDG 567B	1.2	FORT SILL HQUASAFACS	ATTENTION:ATZR-BP (W SASSER)	FORT SILL	73503-5100	FORT SILL, HQUASAFACS
BLDG 6037	1	FORT SILL HQUASAFACS	ATTENTION:ATZR-BP (W SASSER)	FORT SILL	73503-5100	FORT SILL, HQUASAFACS
RR Operations Bldg	1	FORT SILL HQUASAFACS	ATTENTION:ATZR-BP (W SASSER)	FORT SILL	73503-5100	FORT SILL, HQUASAFACS
RR Operations Bldg	0.2	FORT SILL HQUASAFACS	ATTENTION:ATZR-BP (W SASSER)	FORT SILL	73503-5100	FORT SILL, HQUASAFACS
BLDG 455	1.5	FORT SILL HQUASAFACS	ATTENTION:ATZR-BP (W SASSER)	FORT SILL	73503-5100	FORT SILL, HQUASAFACS
B01 NORTH UNION	0.6	SHAWNEE	PO BOX 1448	SHAWNEE	74802	SHAWNEE
RON LANGMAKER HOUSE	0.5	CARNEGIE	P.O. BOX 1875	CARNEGIE	73015	CARNEGIE
ROGERS	0.6	MEADOWRIDGE MHP	1701 EAST FARRALL LOT 1-A	SHAWNEE	74801	MEADOWRIDGE MHP
CHARLES WHITE	0.2	TUTTLE	301 WEST MAIN ST	TUTTLE	73069	TUTTLE
UPSTREAM	3	CASHION	CITY HALL	CASHION	73016	CASHION
SITE 21 LOST RAPIDS		COE PINE CREEK LAKE	RT 1 BOX 400	VALLIANT	74764	COE PINE CREEK LAKE
SITE B6		COE PINE CREEK LAKE	RT 1 BOX 400	VALLIANT	74764	COE PINE CREEK LAKE
SITE 9 LOST RAPIDS		COE PINE CREEK LAKE	RT 1 BOX 400	VALLIANT	74764	COE PINE CREEK LAKE
CAMP'S VILLAGE MARKE	3	HOLDENVILLE	100 NORTH CREEK, BOX 789	HOLDENVILLE	74848	HOLDENVILLE
1001 NC	0	OKLAHOMA UNIVERSITY	160 FELGAR	NORMAN	73019	
1001 NC	0	OKLAHOMA UNIVERSITY	160 FELGAR	NORMAN	73019	
4500 N Memorial	3.7	OKLAHOMA CITY HEFNER	420 W. Main, Suite 500	OKLAHOMA CITY	73102	CROSSWHITE, MINDY
N 122 & MacArthur	3.2	OKLAHOMA CITY HEFNER	420 W. Main, Suite 500	OKLAHOMA CITY	73102	CROSSWHITE, MINDY
N91 & MacArthur	4	OKLAHOMA CITY HEFNER	420 W. Main, Suite 500	OKLAHOMA CITY	73102	CROSSWHITE, MINDY
NW Highway & Council	3.8	OKLAHOMA CITY HEFNER	420 W. Main, Suite 500	OKLAHOMA CITY	73102	CROSSWHITE, MINDY

Records: 34 of 627015

Database View

OPERATOR	PHONE	LOCATION CODE	RETAKE FOR	RETAKE SITE	SAMPLER REMARK	DATE FIRST PRINTED	COMPLI SAMPLE	ST-ASGN IDENT CD	SA
		615	0				Y		
		657	0				Y		
		SNKA				02/03/2003	N		
		SNKA				02/03/2003	N		
	580-323-6201	033				02/03/2003	Y		
	580-621-3394	HISTBACT			COPY TO DEMS SCHROD	02/03/2003	Y		
		ELLIOTT			FAX TO 405-936-9479	02/03/2003	N		
		BEYER			CK 1809	02/03/2003	N		
		NASH			CK 1809	02/03/2003	N		
		034	0				Y		
		035	0				Y		
		036	0				Y		
		037	0				Y		
		038	0				Y		
		039	0				Y		
		040	0				Y		
		041	0				Y		
		537	0				Y		
		496	0				Y		
		534	0				Y		
		532	0				Y		
		531	0				Y		
	405-793-5065	G10				02/05/2003	Y		
	405-793-5065	F04				02/05/2003	Y		
	405-793-5065	04				02/05/2003	Y		
		042	0				Y		
	580-228-2713	R02				02/03/2003	Y		
		490	0				Y		
		567	0				Y		
		503	0				Y		
		LT	0				N		
		LT	0				N		
		455	0				Y		
	405-273-0890	E27				05/14/2002	Y		
	580-654-1004	RLH				06/03/2003	Y		
	405-273-2206	06A				06/03/2003	Y		
	405-381-3872	CWH				06/03/2003	Y		
	000-000-0000	UP	550639			04/23/2002	Y		
	000-000-0000	L21				06/14/2002	Y		
	000-000-0000	B06				06/14/2002	Y		
	000-000-0000	L09				06/14/2002	Y		
	405-379-3397	CV6				06/14/2002	Y		
BEN KINDER, I	4053256211	001				11/14/1996			
BEN KINDER, I	4053256211	002				11/14/1996			
		172	0				Y		
		211	0				Y		
		252	0				Y		
		250	0				Y		

Record: 14 of 4

5 of 11 of 627045

DataSheet View

[illegible]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

1. STATE OF OKLAHOMA, ex rel. )  
W.A. DREW EDMONDSON, in his capacity as )  
ATTORNEY GENERAL OF THE STATE OF )  
OKLAHOMA and OKLAHOMA SECRETARY )  
OF THE ENVIRONMENT C. MILES TOLBERT, )  
in his capacity as the TRUSTEE FOR )  
NATURAL RESOURCES FOR THE )  
STATE OF OKLAHOMA, )

Plaintiffs, )

v. )

05-CV-0329 TCK-SAJ

1. TYSON FOODS, INC., )  
2. TYSON POULTRY, INC., )  
3. TYSON CHICKEN, INC., )  
4. COBB-VANTRESS, INC., )  
5. AVIAGEN, INC., )  
6. CAL-MAINE FOODS, INC., )  
7. CAL-MAINE FARMS, INC., )  
8. CARGILL, INC., )  
9. CARGILL TURKEY PRODUCTION, LLC, )  
10. GEORGE'S, INC., )  
11. GEORGE'S FARMS, INC., )  
12. PETERSON FARMS, INC., )  
13. SIMMONS FOODS, INC., and )  
14. WILLOW BROOK FOODS, INC., )

Defendants. )

CARGILL TURKEY PRODUCTION, LLC, )

Third Party Plaintiff, )

v. )

CITY OF WESTVILLE AND CITY OF )  
TAHLEQUAH, )

Third Party Defendants, )

and )

TYSON FOODS, INC., TYSON POULTRY, )  
INC., TYSON CHICKEN, INC., )

EXHIBIT

23



COBB-VANTRESS, INC., GEORGE'S, INC.,	)
GEORGE'S FARMS, INC., PETERSON FARMS,	)
INC., SIMMONS FOODS, INC., AND	)
WILLOW BROOK FOODS, INC.,	)
	)
Third Party Plaintiffs,	)
	)
v.	)
	)
CITY OF TAHLEQUAH, <i>ET AL.</i> ,	)
	)
Third Party Defendants.	)

**CARGILL, INC.'S AMENDED FIRST INTERROGATORIES AND  
REQUESTS FOR PRODUCTION OF DOCUMENTS TO PLAINTIFFS**

Pursuant to FED.R.CIV.P., Rules 33 and 34, Separate Defendant Cargill, Inc. requests that Plaintiffs answer the following interrogatories and produce the following requested documents and information at the offices of counsel for Cargill, Inc., Rhodes, Hieronymus, Jones, Tucker & Gable, P.L.L.C., 100 W. 5<sup>th</sup> St., Ste. 400, Tulsa, Oklahoma, 74103 within 30 days of service hereof.

**DEFINITIONS**

**"Cargill, Inc."** or **"Any Cargill Entity"** means Cargill, Inc. and its affiliated companies (including but not limited to Cargill Turkey Production, LLC and Cargill Meat Solutions Corporation), subsidiaries or divisions, and any employee, attorney, agent or other representative thereof.

**"Complaint"** or **"Amended Complaint"** refers to Plaintiffs' current, active pleading setting forth the basis for their claim(s) for relief which, at the date of service of these interrogatories and requests, is Plaintiffs' First Amended Complaint.

**"Document"** includes every item and form of data discoverable under the applicable statutes and Federal Rules of Civil Procedure. Document means the original (or an identical duplicate if the original is not available), and any non-identical copies (whether non-identical because of notes made on the copies or attached comments, annotations, marks, fax transmission notations, or highlighting of any kind), of writings of every kind that are fixed in any physical medium. Documents include files, folder tabs, and labels appended to or containing any Documents. Examples of Documents include, but are not limited to:

### INSTRUCTIONS

1. Please refer to definitions when a defined term is used.
2. Unless otherwise indicated, words in the singular include the plural, and vice versa.
3. An Interrogatory or Request that uses the word "and" or the word "or," instead of the phrase "and/or" shall be construed as if it uses the phrase "and/or" if doing so would affect the breadth of the Interrogatory.
4. Please sequentially number each Document produced in response to these Interrogatories and Requests and specify which paragraph or subparagraph the Document relates to.
5. If You withhold any information on grounds of privilege (including but not limited to the attorney-client privilege and the attorney work-product doctrine), provide a privilege log identifying each withheld document and setting forth the privilege claimed, and describe in detail the facts upon which Your claim of privilege is based.
6. Unless otherwise indicated, these interrogatories and requests seek information and documents within the geographic region of the Illinois River Watershed.
7. Unless otherwise indicated, these interrogatories and requests seek information and documents from the time period 1952 to present, as that is the date range alleged by Plaintiffs to be appropriate for the purposes of discovery.
8. These Interrogatories and Requests are continuing in nature and should You discover additional information or Documents responsive to these Interrogatories or Requests at any time through trial, You are directed to promptly furnish such information or Documents to the undersigned. Cargill, Inc. may object to any attempt by You to rely on or admit into evidence any information or Document encompassed by these Interrogatories or Requests but not timely produced.

### INTERROGATORIES

**Interrogatory No. 1:** Separately for each Cargill entity at issue, state with particularity the factual and legal basis for the allegation contained in ¶ 43 of Your Amended Complaint that any Cargill entity "so dominates and controls the actions and activities of its respective poultry growers that the relationship is not one of independent contractor, but rather one of employer and employee or one of principal and agent, and one of owner, operator or

arranger of poultry waste under CERCLA” and identify every witness upon whom You will rely to establish each fact.

**Interrogatory No. 2:** Separately for each Cargill entity at issue, state with particularity the factual and legal basis for the allegation contained in ¶¶ 13-14 of Your Amended Complaint that “[any Cargill entity] . . . is responsible for the poultry waste created by [] poultry growing operations, its handling and storage, and its disposal on lands within the IRW and the resultant injury to the IRW, including the biota, lands, waters and sediments therein” and identify every witness upon whom You will rely to establish each fact.

**Interrogatory No. 3:** Separately for each Cargill entity at issue, state with particularity the factual and legal basis for the allegation contained in ¶ 31 of Your Amended Complaint that “[any Cargill entity], by virtue of [its] improper poultry waste disposal practices, [is] responsible for this pollution of, as well as the degradation of, impairment of and injury to the IRW, including the biota, lands, waters and sediments therein” and identify every witness upon whom You will rely to establish each fact.

**Interrogatory No. 4:** Separately for each Cargill entity at issue, state with particularity the factual and legal basis for the allegation contained in ¶ 44 of Your Amended Complaint that any Cargill entity “[knew] and [] had reason to know that in the ordinary course of the poultry growers raising birds in the usual and prescribed manner poultry waste will be handled and disposed of in such a manner to cause injury to the IRW, including the biota, lands, waters and sediments therein . . . .” and identify every witness upon whom You will rely to establish each fact.

**Interrogatory No. 5:** Separately for each Cargill entity at issue, state completely and in detail the facts upon which you base the allegation in Your Amended Complaint at ¶ 48

that any Cargill entity “has long known that it has been and continues to be the practice to routinely and repeatedly improperly store the poultry waste generated in the course of its respective growing operations on lands within the IRW” and identify every witness upon whom You will rely to establish each fact.

**Interrogatory No. 6:** Separately for each Cargill entity at issue, state completely and in detail the facts upon which you base the allegation in Your Amended Complaint at ¶ 50 that any Cargill entity “has long known that the application of poultry waste to lands within the IRW, in the amounts that it is applied, is in excess of any agronomic need and is not consistent with good agricultural practices and, as such, constitutes waste disposal rather than any normal or appropriate application of fertilizer” and identify every witness upon whom You will rely to establish each fact.

**Interrogatory No. 7:** Separately for each Cargill entity at issue, state completely and in detail the facts upon which you base the allegation in Your Amended Complaint at ¶ 52 that any Cargill entity “has long known that these poultry waste disposal practices lead to the run-off and release of large quantities of phosphorus and other hazardous substances, pollutants and contaminants in the poultry waste onto and from the fields and into the waters of the IRW” and identify every witness upon whom You will rely to establish each fact.

**Interrogatory No. 8:** Separately for each Cargill entity at issue, state completely and in detail the facts upon which you base the allegation in Your Amended Complaint at ¶ 58 that any Cargill entity “has long known that poultry waste contains a number of constituents that can and do cause harm to the environment and pose human health hazards” and identify every witness upon whom You will rely to establish each fact.

law (including, but not limited to, an alleged violation of 27A Okla. Stat. § 2-6-105 or 2 Okla. Stat. § 2-18.1) and identify every witness upon whom You will rely to establish each fact.

**Interrogatory No. 14:** Separately for each Cargill entity at issue, state completely and in detail the facts upon which you base the allegation contained in Count 5 of Your Amended Complaint that the conduct and acts of any Cargill entity constitute a nuisance under federal law and identify every witness upon whom You will rely to establish each fact.

**Interrogatory No. 15:** Separately for each Cargill entity at issue, state with particularity the factual and legal basis for the allegation contained in ¶¶ 100, 112, 113, 115 of Your Amended Complaint that any Cargill entity has caused and is causing “unreasonable and substantial danger to the public's health and safety” in the Illinois River Watershed and identify every witness upon whom You will rely to establish each fact.

**Interrogatory No. 16:** Separately for each Cargill entity at issue, state with particularity the factual and legal basis for the allegation contained in Count 6 of Your Amended Complaint that any Cargill entity has committed trespass under applicable state law and identify every witness upon whom You will rely to establish each fact.

**Interrogatory No. 17:** Separately for each Cargill entity at issue, state with particularity the factual and legal basis for the allegation contained in Count 8 of Your Amended Complaint that any Cargill entity violated 2 Okla. Stat. § 10-9.7 and Oklahoma Administrative Code § 35:17-5-5 and identify every witness upon whom You will rely to establish each fact.

### **REQUESTS FOR PRODUCTION**

**Request for Production No. 1:** Produce all documents identified or referenced in Your Answers to Cargill, Inc.’s First Interrogatories served contemporaneously herewith.

**Request for Production No. 2:** Produce all documents relied upon by You to prepare or support Your Answers to Cargill, Inc.'s First Interrogatories served contemporaneously herewith.

**Request for Production No. 3:** Produce all documents alleged to support Plaintiffs' claims in this matter.

Respectfully submitted,

RHODES, HIERONYMUS, JONES,  
TUCKER & GABLE, PLLC

BY: 

JOHN H. TUCKER, OBA #9110  
COLIN H. TUCKER, OBA #16325  
THERESA NOBLE HILL, OBA #19119  
100 W. Fifth Street, Suite 400 (74103-4287)  
P.O. Box 21100  
Tulsa, Oklahoma 74121-1100  
Telephone: 918/582-1173  
Facsimile: 918/592-3390

DELMAR R. EHRLICH  
DARA D. MANN  
FAEGRE & BENSON LLP  
2200 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, Minnesota 55402  
Telephone: 612/766-7000  
Facsimile: 612/766-1600

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

1. STATE OF OKLAHOMA, ex rel. )  
W.A. DREW EDMONDSON, in his capacity as )  
ATTORNEY GENERAL OF THE STATE OF )  
OKLAHOMA and OKLAHOMA SECRETARY )  
OF THE ENVIRONMENT C. MILES TOLBERT, )  
in his capacity as the TRUSTEE FOR )  
NATURAL RESOURCES FOR THE )  
STATE OF OKLAHOMA, )

Plaintiffs, )

v. )

05-CV-0329 TCK-SAJ

1. TYSON FOODS, INC., )  
2. TYSON POULTRY, INC., )  
3. TYSON CHICKEN, INC., )  
4. COBB-VANTRESS, INC., )  
5. AVIAGEN, INC., )  
6. CAL-MAINE FOODS, INC., )  
7. CAL-MAINE FARMS, INC., )  
8. CARGILL, INC., )  
9. CARGILL TURKEY PRODUCTION, LLC, )  
10. GEORGE'S, INC., )  
11. GEORGE'S FARMS, INC., )  
12. PETERSON FARMS, INC., )  
13. SIMMONS FOODS, INC., and )  
14. WILLOW BROOK FOODS, INC., )

Defendants. )

CARGILL TURKEY PRODUCTION, LLC, )

Third Party Plaintiff, )

v. )

CITY OF WESTVILLE AND CITY OF )  
TAHLEQUAH, )

Third Party Defendants, )

and )

TYSON FOODS, INC., TYSON POULTRY, )  
INC., TYSON CHICKEN, INC., )

COBB-VANTRESS, INC., GEORGE'S, INC.,	)
GEORGE'S FARMS, INC., PETERSON FARMS,	)
INC., SIMMONS FOODS, INC., AND	)
WILLOW BROOK FOODS, INC.,	)
	)
Third Party Plaintiffs,	)
	)
v.	)
	)
CITY OF TAHLEQUAH, <i>ET AL.</i> ,	)
	)
Third Party Defendants.	)

**CARGILL TURKEY PRODUCTION, LLC'S AMENDED FIRST INTERROGATORIES AND  
REQUESTS FOR PRODUCTION OF DOCUMENTS TO PLAINTIFFS**

Pursuant to FED.R.CIV.P., Rules 33 and 34, Separate Defendant Cargill Turkey Production, LLC ("Cargill Turkey") requests that Plaintiffs answer the following interrogatories and produce the following requested documents and information at the offices of counsel for Cargill Turkey Production, LLC, Rhodes, Hieronymus, Jones, Tucker & Gable, P.L.L.C., 100 W. 5<sup>th</sup> St., Ste. 400, Tulsa, Oklahoma, 74103 within 30 days of service hereof.

**DEFINITIONS**

**"Cargill Turkey" or "Any Cargill Entity"** means Cargill Turkey Production, LLC. and its affiliated companies (including but not limited to Cargill, Inc. and Cargill Meat Solutions Corporation), subsidiaries or divisions, and any employee, attorney, agent or other representative thereof.

**"Complaint" or "Amended Complaint"** refers to Plaintiffs' current, active pleading setting forth the basis for their claim(s) for relief which, at the date of service of these interrogatories and requests, is Plaintiffs' First Amended Complaint.

**"Document"** includes every item and form of data discoverable under the applicable statutes and Federal Rules of Civil Procedure. Document means the original (or an identical duplicate if the original is not available), and any non-identical copies (whether non-identical because of notes made on the copies or attached comments, annotations, marks, fax transmission notations, or highlighting of any kind), of writings of every kind that are fixed in any physical medium. Documents include files, folder tabs, and labels appended to or containing any Documents. Examples of Documents include, but are not limited to:



**Interrogatory No. 9:** State completely and in detail the facts upon which you base the allegation in Your Amended Complaint at ¶ 53 that “[a]t many locations, phosphorus and other hazardous substances, pollutants and contaminants have built up in the soil to such an extent that, even without any additional application of poultry waste to the land, the excess residual phosphorus and other hazardous substances, pollutants and contaminants will continue to run-off and be released into the waters of the IRW in the future” and identify every witness upon whom You will rely to establish each fact.

**Interrogatory No. 10:** Provide a detailed description of the subjects of discoverable information held by each of the persons listed on Exhibit A of Your Initial Disclosures.

**Interrogatory No. 11:** Separately for each Cargill entity at issue, state with particularity the factual and legal basis for the allegation contained in Count 9 of Your Amended Complaint that any Cargill entity is subject to Oklahoma Administrative Code, 35:17-3-14.

**Interrogatory No. 12:** Separately for each Cargill entity at issue, state with particularity the factual and legal basis for the allegation contained in Count 9 of Your Amended Complaint that any Cargill entity violated Oklahoma Administrative Code, 35:17-3-14 and identify every witness upon whom You will rely to establish each fact.

**Interrogatory No. 13:** Separately for each Cargill entity at issue, state with particularity the factual and legal basis for the allegation contained in ¶ 142 of Your Amended Complaint that any Cargill entity has “avoided the costs of properly managing and disposing of their poultry waste— not only to their enormous economic benefit and advantage, but also at great cost to the lands and waters comprising the IRW and at the expense of, and in violation of,

the State of Oklahoma's rights" and identify every witness upon whom You will rely to establish each fact.

**Interrogatory No. 14:** Separately for each Cargill entity at issue, state with particularity the factual and legal basis for the allegation contained in ¶ 35 of Your Amended Complaint that "[t]he contracts establishing the growing arrangements between [any Cargill entity] and [its] poultry growers are presented to the poultry growers with no opportunity to negotiate their essential terms, and constitute contracts of adhesion" and identify every witness upon whom You will rely to establish each fact.

**Interrogatory No. 15:** Separately for each Cargill entity at issue, state completely and in detail the facts upon which you base the allegation in Your Amended Complaint at ¶ 51 that any Cargill entity "has long known that the application of its poultry waste to lands within the IRW, in the amounts that it is applied and with the frequency that it is applied, far exceeds the capacity of the soils and vegetation to absorb those nutrients present in the poultry waste" and identify every witness upon whom You will rely to establish each fact.

**Interrogatory No. 16:** Separately for each Cargill entity at issue, state completely and in detail the facts upon which you base the allegation in Your Amended Complaint at ¶ 54 that any Cargill entity "arranged for its respective growers to take possession of the poultry waste coming from its birds . . . with full knowledge that the growers were annually placing hundreds of thousands of tons of their poultry waste directly on the ground and that these actions would lead to the run off and release of phosphorus and other hazardous substances, pollutants and contaminants into the lands and waters of the IRW" and identify every witness upon whom You will rely to establish each fact.

**Interrogatory No. 17:** Separately for each Cargill entity at issue, state completely and in detail the facts upon which You base the allegation contained in Count 10 of Your Amended Complaint that any Cargill entity was unjustly enriched by the State of Oklahoma and identify every witness upon whom You will rely to establish each fact.

**Interrogatory No. 18:** Separately for each Cargill entity at issue, state completely and in detail the facts upon which You base the allegation contained in ¶¶ 107, 118, 126 of Your Amended Complaint that “Exemplary and punitive damages should ... be awarded” against any Cargill entity and identify every witness upon whom You will rely to establish each fact.

### **REQUESTS FOR PRODUCTION**

**Request for Production No. 1:** Produce all documents identified or referenced in Your Answers to Cargill Turkey’s First Interrogatories served contemporaneously herewith.

**Request for Production No. 2:** Produce all documents relied upon by You to prepare or support Your Answers to Cargill Turkey’s First Interrogatories served contemporaneously herewith.

**Request for Production No. 3:** Produce all documents provided by You to any Expert You expect to call as a witness in the trial of this Lawsuit.

**Request for Production No. 4:** Produce all documents relating to the identification, determination, calculation and amount of damages You are seeking to recover in this Lawsuit.

**Request for Production No. 5:** Produce all documents relating to any exercise of eminent domain by the State with respect to any tract of real property situated in the Illinois River Watershed.

**Request for Production No. 55:** Produce all documents related to costs allegedly incurred by Plaintiffs to monitor, assess and evaluate water quality, wildlife and biota within the Illinois River Watershed.

**Request for Production No. 56:** Produce all documents supporting Your contention that hormones and/or hormonal supplements, including but not limited to estradiol, are provided to poultry grown in the Illinois River Watershed.

**Request for Production No. 57:** Produce all communications between You and any poultry integrator regarding the Illinois River Watershed.

**Request for Production No. 58:** Produce all documents alleged to support Plaintiffs' claims in this matter.

Respectfully submitted,

RHODES, HIERONYMUS, JONES,  
TUCKER & GABLE, PLLC

BY: 

JOHN H. TUCKER, OBA #9110  
COLIN H. TUCKER, OBA #16325  
THERESA NOBLE HILL, OBA #19119  
100 W. Fifth Street, Suite 400 (74103-4287)  
P.O. Box 21100  
Tulsa, Oklahoma 74121-1100  
Telephone: 918/582-1173  
Facsimile: 918/592-3390

DELMAR R. EHRLICH  
DARA D. MANN  
FAEGRE & BENSON LLP  
2200 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, Minnesota 55402  
Telephone: 612/766-7000  
Facsimile: 612/766-1600



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

May 29, 2007

To all Counsel of Record

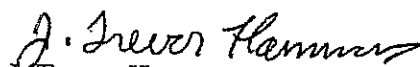
Via E-mail

**Re: State of Oklahoma's Representation in State v Tyson Foods et. al, 4:05-cv-00329-TCK-SAJ**

Dear Counsel:

This letter is being sent in accordance with the Court's Order on May 17, 2007 (Dkt #1150). The State of Oklahoma is the plaintiff in this action. For the purposes of discovery in this litigation and without waiving any objection to any particular request or discovery, discovery sought from any Oklahoma Executive branch agencies, boards and commissions, as well as Oklahoma state Universities should be served on the Office of Attorney General. A list of State agencies, boards, and commissions may be found at [www.ok.gov/agencies.php](http://www.ok.gov/agencies.php) (see attached). Discovery requests directed at the Oklahoma Judiciary or the Oklahoma Legislature should be served directly on those entities, and not through the Office of Attorney General. The Office of the Attorney General does not in this litigation represent county entities as they are separate political sub-divisions. Per my e-mail exchange with counsel for Defendant Peterson I will be sending under separate cover a letter outlining the circumstance under which the Attorney General may represent the State Legislature or Judiciary.

Sincerely,

  
J. Trevor Hammons  
Assistant Attorney General  
Environmental Protection Unit

EXHIBIT

24



-----Original Message-----

**From:** Philip Hixon [mailto:phixon@mhla-law.com]

**Sent:** Monday, June 18, 2007 10:36 AM

**To:** George, Robert W.; Trevor.Hammons@oag.ok.gov

**Cc:** Bruce Freeman; Bruce Jones; Chris A. Tucker; Elizabeth Claire Xidis; Delmar Ehrich; Dara Mann; Doug Wilson; David Page; David Riggs; David Senger; Fred Baker; Gary V. Weeks; George Owens; Jean.Burnett@oag.ok.gov; John Elrod; James Graves; Jennifer Griffin; Jay Jorgensen; John Tucker; Julie Zielinski; Kelly Burch ; Louis Bullock; Lee Heath; Elizabeth Ward; Lori A. White; Lawrence Zeringue; Melissa Carr; Mark Hopson; Bond, Michael R.; Nicole Longwell; Paula Buchwald; Patrick Ryan; Randall Rose; Richard Funk; Richard Garren; Randall Miller; Bob Nance; Robert Redemann; Robert Sanders; Raymond Lay; Sherry P. Bartley; Sharon Gentry; Stephen Jantzen; Scott McDaniel; Steve Williams; Sharon Weaver; Thomas Green; Terry West; Trevor Hammons; Theresa Noble Hill; Timothy Webster; Vicki Bronson

**Subject:** RE: State of Oklahoma Letter Re: Representation

Trevor,

We are also still waiting for an explanation of the State's position that, at least for purposes of the Attorney General's instant lawsuit, the Office of Attorney General does not represent the Oklahoma Legislature. Thank you.

*Philip D. Hixon, Esq.*

**McDaniel, Hixon, Longwell & Acord, PLLC**

320 South Boston Avenue

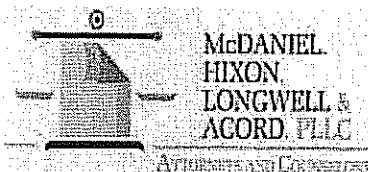
Suite 700

Tulsa, Oklahoma 74103-3706

918.382.9200 Office Phone

918.382.9282 Facsimile

**phixon@mhla-law.com**



This message and the documents attached to it, if any, is intended only for the use of a client of McDaniel, Hixon, Longwell & Acord, PLLC and may contain information that is PRIVILEGED and CONFIDENTIAL, and may contain ATTORNEY WORK PRODUCT. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this

EXHIBIT

25

communication in error, please delete all electronic copies of this message and its attachments, destroy any hard copies you may have created and notify the sender immediately.

---

**From:** George, Robert W. [mailto:Robert.George@KutakRock.com]

**Sent:** Monday, June 18, 2007 9:30 AM

**To:** Trevor.Hammons@oag.ok.gov

**Cc:** Bruce Freeman; Bruce Jones; Colin Tucker; Elizabeth Claire Xidis; Delmar Ehrich; Dara Mann; Doug Wilson; David Page; David Riggs; David Senger; Fred Baker; Gary V. Weeks; George Owens; Jean.Burnett@oag.ok.gov; John Elrod; James Graves; Jennifer Griffin; Jay Jorgensen; John Tucker; Julie Zielinski; Kelly Burch ; Louis Bullock; Lee Heath; Elizabeth Ward; Lori A. White; Lawrence Zeringue; Melissa Carr; Mark Hopson; Bond, Michael R.; Nicole Longwell; Paula Buchwald; Philip Hixon; Patrick Ryan; Randall Rose; Richard Funk; Richard Garren; Randall Miller; Bob Nance; Robert Redemann; Robert Sanders; Raymond Lay; Sherry P. Bartley; Sharon Gentry; Stephen Jantzen; Scott McDaniel; Steve Williams; Sharon Weaver; Thomas Green; Terry West; Trevor Hammons; Theresa Hill; Timothy Webster; Vicki Bronson

**Subject:** RE: State of Oklahoma Letter Re: Representation

Trevor,

Now that we have all surfaced from last week's hearings, can I expect to get a response from you to the e mail below? If you are not going to respond further, simply report that and I will take the steps necessary to resolve this issue through the court. Thank you.

---

**From:** George, Robert W.

**Sent:** Monday, June 11, 2007 11:01 AM

**To:** 'Trevor.Hammons@oag.ok.gov'

**Cc:** Bruce Freeman; Bruce Jones; Colin Tucker; Elizabeth Claire Xidis; Delmar Ehrich; Dara Mann; Doug Wilson; David Page; David Riggs; David Senger; Fred Baker; Gary V. Weeks; George Owens; Jean.Burnett@oag.ok.gov; John Elrod; James Graves; Jennifer Griffin; Jay Jorgensen; John Tucker; Julie Zielinski; Kelly Burch ; Louis Bullock; Lee Heath; Elizabeth Ward; Lori A. White; Lawrence Zeringue; Melissa Carr; Mark Hopson; Bond, Michael R.; Nicole Longwell; Paula Buchwald; Philip Hixon; Patrick Ryan; Randall Rose; Richard Funk; Richard Garren; Randall Miller; Bob Nance; Robert Redemann; Robert Sanders; Raymond Lay; Sherry P. Bartley; Sharon Gentry; Stephen Jantzen; Scott McDaniel; Steve Williams; Sharon Weaver; Thomas Green; Terry West; Trevor Hammons; Theresa Hill; Timothy Webster; Vicki Bronson

**Subject:** RE: State of Oklahoma Letter Re: Representation

Trevor,

I am well aware of the rules relating to the admissions by agents (whether public or private agents) and scope of authority. I am not asking you to commit that anything said on any subject by an unidentified employee at an unidentified agency is an admission. My question rather is on the preliminary point of which agencies, boards or commissions are considered "parties" for purposes of their ability to make an admission. If they are not parties, then we don't even get to the question of whether or not the particular statement was made within their scope of authority or not. See, e.g., Fed. R. Civ. P. 801(d)(2).

What I am looking for is a clear statement of which agencies, boards or commissions are considered "parties" for all purposes in this lawsuit. I don't believe the State can claim that some agencies are parties "for purposes of discovery" but not parties for making admissions or for other purposes related to this lawsuit. If this is the position the State is taking, I need to know it now. Please advise.

---

**From:** Trevor.Hammons@oag.ok.gov [mailto:Trevor.Hammons@oag.ok.gov]

**Sent:** Monday, June 11, 2007 10:30 AM

**To:** George, Robert W.

**Cc:** Bruce Freeman; Bruce Jones; Colin Tucker; Elizabeth Claire Xidis; Delmar Ehrich; Dara Mann; Doug Wilson; David Page; David Riggs; David Senger; Fred Baker; Gary V. Weeks; George Owens; Jean.Burnett@oag.ok.gov;

9/6/2007

John Elrod; James Graves; Jennifer Griffin; Jay Jorgensen; John Tucker; Julie Zielinski; Kelly Burch ; Louis Bullock; Lee Heath; Elizabeth Ward; Lori A. White; Lawrence Zeringue; Melissa Carr; Mark Hopson; Bond, Michael R.; Nicole Longwell; Paula Buchwald; Philip Hixon; Patrick Ryan; Randall Rose; Richard Funk; Richard Garren; Randall Miller; Bob Nance; Robert Redemann; Robert Sanders; Raymond Lay; Sherry P. Bartley; Sharon Gentry; Stephen Jantzen; Scott McDaniel; Steve Williams; Sharon Weaver; Thomas Green; Terry West; Trevor Hammons; Theresa Hill; Timothy Webster; Vicki Bronson

**Subject:** RE: State of Oklahoma Letter Re: Representation

Robert,

Please see attached the State's response.

J. Trevor Hammons  
Oklahoma Office of the Attorney General  
Environmental Protection Unit  
313 N.E. 21 St.  
Office: (405) 522-2801  
Fax: (405) 522-0608

**CONFIDENTIALITY NOTE:**

This e-mail message is intended for the personal use of the recipient(s) named above. If you are not an intended recipient, you may not review, copy or distribute this message. If you have received this communication in error, please notify us immediately and delete the original message.

"George, Robert W."  
<Robert.George@KutakRock.com>

06/08/2007 02:16 PM

To "David Page" <DPAGE@edbelllaw.com>, <Trevor.Hammons@oag.ok.gov>  
cc "Bruce Freeman" <bfreeman@cwlaw.com>, "Bruce Jones" <bjonas@faegre.com>, "Colin Tucker" <ctucker@rhodesokla.com>, "Elizabeth Claire Xidis" <cxidis@motleyrice.com>, "Delmar Ehrich" <dehrich@faegre.com>, "Dara Mann" <dmanm@faegre.com>, "Doug Wilson" <Doug\_Wilson@riggsabney.com>, "David Riggs" <DRiggs@riggsabney.com>, "David Senger" <dsenger@pmrlaw.net>, "Fred Baker" <fbaker@motleyrice.com>, "Gary V. Weeks" <gweeks@bassettlawfirm.com>, "George Owens" <gwo@owenslawfirm.com>, <Jean.Burnett@oag.ok.gov>, "John Elrod" <jelrod@cwlaw.com>, "James Graves" <jgraves@bassettlawfirm.com>, "Jennifer Griffin" <jgriffin@lathropgpage.com>, "Jay Jorgensen" <jjorgensen@sidley.com>, "John Tucker" <jtucker@rhodesokla.com>, "Julie Zielinski" <jzielinski@riggsabney.com>, "Kelly Burch" <Kelly\_Burch@oag.state.ok.us>, "Louis Bullock" <lbullock@mkblaw.net>, "Lee Heath" <lheath@motleyrice.com>, "Elizabeth Ward" <lward@motleyrice.com>, "Lori A. White" <lwhite@rhodesokla.com>, "Lawrence Zeringue" <lzeringue@pmrlaw.net>, "Melissa Carr" <mcarr@motleyrice.com>, "Mark Hopson" <mhops@sidley.com>, "Bond, Michael R." <Michael.Bond@KutakRock.com>, "Nicole Longwell" <nlongwell@mcdaniel-lawfirm.com>, "Paula Buchwald" <pbuchwald@ryanwhaley.com>, "Philip Hixon" <phixon@mcdaniel-lawfirm.com>, "Patrick Ryan" <pryan@ryanwhaley.com>, "Randall Rose" <rerr@owenslawfirm.com>, "Richard Funk" <rfunk@cwlaw.com>, "Richard Garren" <RGarren@riggsabney.com>, "Randall Miller" <rmiller@mkblaw.net>, "Bob Nance" <rnance@riggsabney.com>, "Robert Redemann" <rredemann@pmrlaw.net>, "Robert Sanders" <rsanders@youngwilliams.com>, "Raymond Lay" <rtl@kiralaw.com>, "Sherry P. Bartley" <sbartley@mwsgw.com>, "Sharon Gentry" <SGentry@riggsabney.com>, "Stephen Jantzen" <sjantzen@ryanwhaley.com>, "Scott McDaniel" <smcdaniel@mcdaniel-lawfirm.com>, "Steve Williams" <steve.williams@youngwilliams.com>, "Sharon Weaver" <SWeaver@riggsabney.com>, "Thomas Green" <tcgreen@sidley.com>, "Terry

9/6/2007



West" <terry@thewestlawfirm.com>, "Trevor Hammons"  
 <thammons@oag.state.ok.us>, "Theresa Hill" <thill@rhodesokla.com>,  
 "Timothy Webster" <twebster@sidley.com>, "Vicki Bronson"  
 <vbronson@cwlaw.com>

Subject RE: State of Oklahoma Letter Re: Representation

David / Trevor,

May I assume that neither of you will answer my question, now twice posed, below? Please advise so that I may pursue other avenues if necessary in getting this important issue resolved. As you know, the identity of "the plaintiff" in this case will be important on many legal issues including in determining what deposition testimony constitutes admissions by a party.

---

**From:** George, Robert W.  
**Sent:** Thursday, June 07, 2007 4:52 PM  
**To:** 'David Page'; Trevor.Hammons@oag.ok.gov  
**Cc:** Bruce Freeman; Bruce Jones; Colin Tucker; Elizabeth Claire Xidis; Delmar Ehrich; Dara Mann; Doug Wilson; David Riggs; David Senger; Fred Baker; Gary V. Weeks; George Owens; Jean.Burnett@oag.ok.gov; John Elrod; James Graves; Jennifer Griffin; Jay Jorgensen; John Tucker; Julie Zielinski; Kelly Burch ; Louis Bullock; Lee Heath; Elizabeth Ward; Lori A. White; Lawrence Zeringue; Melissa Carr; Mark Hopson; Bond, Michael R.; Nicole Longwell; Paula Buchwald; Philip Hixon; Patrick Ryan; Randall Rose; Richard Funk; Richard Garren; Randall Miller; Bob Nance; Robert Redemann; Robert Sanders; Raymond Lay; Sherry P. Bartley; Sharon Gentry; Stephen Jantzen; Scott McDaniel; Steve Williams; Sharon Weaver; Thomas Green; Terry West; Trevor Hammons; Theresa Hill; Timothy Webster; Vicki Bronson  
**Subject:** RE: State of Oklahoma Letter Re: Representation

David,

Wasting time is certainly not anything I am interested in and if the question has been clearly answered, then someone simply needs to point that out to me and I will move on. Perhaps you can do so.

If you have Trevor's letter and e mail in front of you, please tell me what agencies, boards, commissions or people constitute or comprise the "State of Oklahoma" (the plaintiff) for purposes of this lawsuit? Trevor has told me who he believes he represents "for discovery purposes" but he has not directly addressed the question of who are parties to this action. Any assistance you can provide in moving us past this discussion would be greatly appreciated.

---

**From:** David Page [mailto:DPAGE@edbelllaw.com]  
**Sent:** Thursday, June 07, 2007 4:41 PM  
**To:** George, Robert W.; Trevor.Hammons@oag.ok.gov  
**Cc:** Bruce Freeman; Bruce Jones; Colin Tucker; Elizabeth Claire Xidis; Delmar Ehrich; Dara Mann; Doug Wilson; David Riggs; David Senger; Fred Baker; Gary V. Weeks; George Owens; Jean.Burnett@oag.ok.gov; John Elrod; James Graves; Jennifer Griffin; Jay Jorgensen; John Tucker; Julie Zielinski; Kelly Burch ; Louis Bullock; Lee Heath; Elizabeth Ward; Lori A. White; Lawrence Zeringue; Melissa Carr; Mark Hopson; Bond, Michael R.; Nicole Longwell; Paula Buchwald; Philip Hixon; Patrick Ryan; Randall Rose; Richard Funk; Richard Garren; Randall Miller;

9/6/2007

Bob Nance; Robert Redemann; Robert Sanders; Raymond Lay; Sherry P. Bartley; Sharon Gentry; Stephen Jantzen; Scott McDaniel; Steve Williams; Sharon Weaver; Thomas Green; Terry West; Trevor Hammons; Theresa Hill; Timothy Webster; Vicki Bronson

**Subject:** RE: State of Oklahoma Letter Re: Representation

Robert, do you really think that we need anymore time, ink or kb wasted on this subject? I believe Trevor's letter and email answers are quite consistent, clear and to the point. Is it possible that something more productive could now occupy this small part of the information highway? Thanks for your thoughtful consideration. David.



**David P. Page, Esquire**

P.O. Box 1769

Tulsa, Oklahoma 74101-1769

Phone: (918) 398-6800

Facsimile: (918) 398-6885

email: [dpage@edbelllaw.com](mailto:dpage@edbelllaw.com)

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**From:** George, Robert W. [mailto:Robert.George@KutakRock.com]

**Sent:** Thursday, June 07, 2007 4:04 PM

**To:** Trevor.Hammons@oag.ok.gov

**Cc:** Bruce Freeman; Bruce Jones; Colin Tucker; Elizabeth Claire Xidis; Delmar Ehrich; Dara Mann; Doug Wilson; David Page; David Riggs; David Senger; Fred Baker; Gary V. Weeks; George Owens; Jean.Burnett@oag.ok.gov; John Elrod; James Graves; Jennifer Griffin; Jay Jorgensen; John Tucker; Julie Zielinski; Kelly Burch ; Louis Bullock; Lee Heath; Elizabeth Ward; Lori A. White; Lawrence Zeringue; Melissa Carr; Mark Hopson; Bond, Michael R.; Nicole Longwell; Paula Buchwald; Philip Hixon; Patrick Ryan; Randall Rose; Richard Funk; Richard Garren; Randall Miller; Bob Nance; Robert Redemann; Robert Sanders; Raymond Lay; Sherry P. Bartley; Sharon Gentry; Stephen Jantzen; Scott McDaniel; Steve Williams; Sharon Weaver; Thomas Green; Terry West; Trevor Hammons; Theresa Hill; Timothy Webster; Vicki Bronson

**Subject:** RE: State of Oklahoma Letter Re: Representation

Trevor,

It seems like a simple question. Can you give me any idea as to the likely timing of a response?

9/6/2007

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**From:** George, Robert W.

**Sent:** Tuesday, June 05, 2007 4:20 PM

**To:** 'Trevor.Hammons@oag.ok.gov'

**Cc:** Bruce Freeman; Bruce Jones; Colin Tucker; Elizabeth Claire Xidis; Delmar Ehrich; Dara Mann; Doug Wilson; David Page; David Riggs; David Senger; Fred Baker; Gary V. Weeks; George Owens; Jean.Burnett@oag.ok.gov; John Elrod; James Graves; Jennifer Griffin; Jay Jorgensen; John Tucker; Julie Zielinski; Kelly Burch ; Louis Bullock; Lee Heath; Elizabeth Ward; Lori A. White; Lawrence Zeringue; Melissa Carr; Mark Hopson; Bond, Michael R.; Nicole Longwell; Paula Buchwald; Philip Hixon; Patrick Ryan; Randall Rose; Richard Funk; Richard Garren; Randall Miller; Bob Nance; Robert Redemann; Robert Sanders; Raymond Lay; Sherry P. Bartley; Sharon Gentry; Stephen Jantzen; Scott McDaniel; Steve Williams; Sharon Weaver; Thomas Green; Terry West; Trevor Hammons; Theresa Hill; Timothy Webster; Vicki Bronson

**Subject:** RE: State of Oklahoma Letter Re: Representation

Trevor,

Your clarifying e mail leaves me more confused than I was before. Let's try it this way. What agencies, boards, commissions or people constitute or comprise the "State of Oklahoma" (the plaintiff) for purposes of this lawsuit?

---

**From:** Trevor.Hammons@oag.ok.gov [mailto:Trevor.Hammons@oag.ok.gov]

**Sent:** Tuesday, June 05, 2007 3:30 PM

**To:** George, Robert W.

**Cc:** Bruce Freeman; Bruce Jones; Colin Tucker; Elizabeth Claire Xidis; Delmar Ehrich; Dara Mann; Doug Wilson; David Page; David Riggs; David Senger; Fred Baker; Gary V. Weeks; George Owens; Jean.Burnett@oag.ok.gov; John Elrod; James Graves; Jennifer Griffin; Jay Jorgensen; John Tucker; Julie Zielinski; Kelly Burch ; Louis Bullock; Lee Heath; Elizabeth Ward; Lori A. White; Lawrence Zeringue; Melissa Carr; Mark Hopson; Bond, Michael R.; Nicole Longwell; Paula Buchwald; Philip Hixon; Patrick Ryan; Randall Rose; Richard Funk; Richard Garren; Randall Miller; Bob Nance; Robert Redemann; Robert Sanders; Raymond Lay; Sherry P. Bartley; Sharon Gentry; Stephen Jantzen; Scott McDaniel; Steve Williams; Sharon Weaver; Thomas Green; Terry West; Trevor Hammons; Theresa Hill; Timothy Webster; Vicki Bronson

**Subject:** RE: State of Oklahoma Letter Re: Representation

Robert,

I have received your e-mail. Just to be clear, there is only one party-plaintiff in this lawsuit. It is the State of Oklahoma. The Office of Attorney General represents the State of Oklahoma in this action. For purposes of discovery in this litigation discovery sought from any of the agencies, boards and commissions listed on my letter of May 29th should be served on the Office of Attorney General. Of course, we are not waiving any objections the State might have to any discovery served by Tyson or its co-defendants (e.g., relevancy) or, further down the road, any objections the State might have to the fruits of any such discovery (e.g., admissibility). We will address each discovery request that we receive and will promptly inform you if you have served discovery on what the State contends is a third party. I hope this clarifies the issue, if it does not then please send me a letter with your questions so that we may formally respond.

Trevor

9/6/2007

J. Trevor Hammons  
 Oklahoma Office of the Attorney General  
 Environmental Protection Unit  
 313 N.E. 21 St.  
 Office: (405) 522-2801  
 Fax: (405) 522-0608

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"George, Robert W."  
 <Robert.George@KutakRock.com>

06/05/2007 02:01 PM

To <Jean.Burnett@oag.ok.gov>, "Bruce Freeman" <bfreeman@cwlaw.com>, "Bruce Jones" <bjones@faegre.com>, "Colin Tucker" <ctucker@rhodesokla.com>, "Dara Mann" <dmann@faegre.com>, "David Senger" <dsenger@pmrlaw.net>, "Delmar Ehrich" <dehrich@faegre.com>, "Gary V. Weeks" <gweeks@bassettlawfirm.com>, "George Owens" <gwo@owenslawfirm.com>, "James Graves" <jgraves@bassettlawfirm.com>, "Jay Jorgensen" <jjorgensen@sidley.com>, "Jennifer Griffin" <jgriffin@lathropgpage.com>, "John Elrod" <jelrod@cwlaw.com>, "John Tucker" <jtucker@rhodesokla.com>, "Lawrence Zeringue" <lzeringue@pmrlaw.net>, "Lori A. White" <lwhite@rhodesokla.com>, "Mark Hopson" <mhopson@sidley.com>, "Bond, Michael R." <Michael.Bond@KutakRock.com>, "Nicole Longwell" <nlongwell@mcdaniel-lawfirm.com>, "Patrick Ryan" <pryan@ryanwhaley.com>, "Paula Buchwald" <pbuchwald@ryanwhaley.com>, "Philip Hixon" <phixon@mcdaniel-lawfirm.com>, "Randall Rose" <rerr@owenslawfirm.com>, "Raymond Lay" <rtl@kiralaw.com>, "Richard Funk" <rfunk@cwlaw.com>, "Robert Redemann" <rredemann@pmrlaw.net>, "Robert Sanders" <rsanders@youngwilliams.com>, "Scott McDaniel" <smcdaniel@mcdaniel-lawfirm.com>, "Sherry P. Bartley" <sbartley@mwsgr.com>, "Stephen Jantzen" <sjantzen@ryanwhaley.com>, "Steve Williams" <steve.williams@youngwilliams.com>, "Terry West" <terry@thwestlawfirm.com>, "Theresa Hill" <thill@rhodesokla.com>, "Thomas Green" <tgreen@sidley.com>, "Timothy Webster" <twebster@sidley.com>, "Vicki Bronson" <vbronson@cwlaw.com>

cc "Bob Nance" <rnance@riggsabney.com>, "David Page" <dpage@edbelllaw.com>, "David Riggs" <DRiggs@riggsabney.com>, "Doug Wilson" <Doug.Wilson@riggsabney.com>, "Elizabeth Claire Xidis" <cxidis@motleyrice.com>, "Elizabeth Ward" <lward@motleyrice.com>, "Fred Baker" <fbaker@motleyrice.com>, "Julie Zielinski" <jzielinski@riggsabney.com>, "Kelly Burch" <Kelly\_Burch@oag.state.ok.us>, "Lee Heath" <lheath@motleyrice.com>, "Louis Bullock" <lbullock@mkblaw.net>, "Melissa Carr" <mcarr@motleyrice.com>, "Randall Miller" <rmiller@mkblaw.net>, "Richard Garren" <RGarren@riggsabney.com>, "Sharon Gentry" <SGentry@riggsabney.com>, "Sharon Weaver" <SWeaver@riggsabney.com>, "Trevor Hammons" <thammons@oag.state.ok.us>

Subject RE: State of Oklahoma Letter Re: Representation

Trevor,

This will confirm our telephone conversation this afternoon in regard to your May 29, 2007 letter (attached).

During the call you agreed that the executive branch agencies, boards and commissions covered by your letter should be considered parties (i.e., part of the Plaintiff State of Oklahoma) for purposes of this action. I appreciate that clarification.

9/6/2007

**From:** Jean.Burnett@oag.ok.gov [mailto:Jean.Burnett@oag.ok.gov]

**Sent:** Tuesday, May 29, 2007 6:03 PM

**To:** Bruce Freeman; Bruce Jones; Colin Tucker; Dara Mann; David Senger; Delmar Ehrich; Gary V. Weeks; George Owens; James Graves; Jay Jorgensen; Jennifer Griffin; John Elrod; John Tucker; Lawrence Zeringue; Lori A. White; Mark Hopson; Bond, Michael R.; Nicole Longwell; Patrick Ryan; Paula Buchwald; Philip Hixon; Randall Rose; Raymond Lay; Richard Funk; George, Robert W.; Robert Redemann; Robert Sanders; Scott McDaniel; Sherry P. Bartley; Stephen Jantzen; Steve Williams; Terry West; Theresa Hill; Thomas Green; Timothy Webster; Vicki Bronson

**Cc:** Bob Nance; David Page; David Riggs; Doug Wilson; Elizabeth Claire Xidis; Elizabeth Ward; Fred Baker; Julie Zielinski; Kelly Burch ; Lee Heath; Louis Bullock; Melissa Carr; Randall Miller; Richard Garren; Sharon Gentry; Sharon Weaver; Trevor Hammons

**Subject:** State of Oklahoma Letter Re: Representation

Jean Burnett  
Environmental Protection Unit  
Oklahoma Office of Attorney General  
313 NE 21st Street  
Oklahoma City, OK 73105  
Office: (405) 522-3753  
Fax: (405) 522-0608

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9/6/2007

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June 11, 2007

OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

Robert George  
Kutak Rock  
The Three Sisters Buildings  
214 West Dickson Street  
Fayetteville, AR 72701

Via E-Mail

**Re: *State of Oklahoma v. Tyson Foods, Inc. et al*, Case No. 05-cv-329-GKF-SAJ**


Dear Robert:

I believe that I have answered the question as to who is the plaintiff in this lawsuit completely and fully. As explained in the letter of May 29, 2007, it is the State of Oklahoma that is the plaintiff, and for purposes of this litigation the State will respond to discovery directed at its executive agencies, boards and commissions, as well as State Universities. Your statements that you do not understand this or are confused by it have not helped me understand how my letter is not a complete and full answer to this question. I remain convinced that our answer is complete, precise and easily understood.

The question which you now pose as to who can make admissions on behalf of the State of Oklahoma is a much more complex question and one that is not amenable to being answered in the context in which you raise it. As you can appreciate the questions of who has the authority to bind a sovereign and what is the scope of that individual's or agency's authority are quite different than the same questions being asked as to corporations or private individuals. The issue of the ability of a state actor to act or speak in a manner that will bind the State is always a matter of the individual's or agency's legal authority, the scope of that authority, and even the procedures followed prior to the statement or action. Given these limits the authority of any individual or agency to speak on behalf of the sovereign state of Oklahoma must necessarily be decided on the basis of specific facts.

I hope that this is helpful.

Sincerely,

  
J. Trevor Hammons  
Assistant Attorney General

EXHIBIT

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